

BRISTOL CITY COUNCIL

LICENSING COMMITTEE

8 March 2021

Report of: Executive Director: Growth & Regeneration

Title: City Centre Cumulative Impact Assessment

Ward: Central

Officer Presenting Report: Carl Knights

Contact Telephone Number: 0117 357 4900

RECOMMENDATION

The committee are recommended to:

1. Determine to publish a Cumulative Impact Assessment in respect of the city centre of Bristol, annexed as Appendix A.

Summary

On 7 July 2020 Full Council approved a new Statement of Licensing Policy to run from 1 August 2020 to 31 July 2025. A Cumulative Impact Assessment was not published. As a result the Cumulative Impact Areas that were in force under the previous Statement of Licensing Policy ceased to exist. Full Council directed officers to carry out a consultation on a draft Cumulative Impact Assessment in respect of the city centre area of Bristol only. The draft Cumulative Impact Assessment in respect of the city centre differed from the previous Cumulative Impact Area for the city centre in that it excluded the Broadmead area. It is recommended that members now approve the publication of this Cumulative Impact Assessment.

The consultation was carried out from 2 September to 28 October 2020 via a survey published on the Council's Consultation Hub.

The significant issues in the report are:

The report sets out the results from the Cumulative Impact Assessment consultation. A total of 312 responses were received via the survey. Two further written submissions were also received.

Policy

The Licensing Authority must, in respect of each five year period, determine and publish a Statement of Licensing Policy. Before determining such a policy section 5(3) of the Licensing Act 2003 places a statutory duty on the Authority to consult. The Licensing Authority is under a duty to keep its policy under review and make such revisions as it considers appropriate during each five-year period. Section 5(3) applies in relation to any review of an Authority's policy as it applies in relation to the determination of that policy. Where a new policy is made the Authority must state the date the five year period begins with.

The Licensing Act 2003 states a licensing authority may publish a document (a Cumulative Impact Assessment) stating that it considers that the number of premises licences or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in that area and restrict changes to licensable activities of existing licences. Unlike the Statement of Licensing Policy there is no legal requirement to publish a Cumulative Impact Assessment.

A Cumulative Impact Assessment must set out the evidence for the authority's opinion and before publishing the assessment the authority must consult with those affected, including the public, businesses and responsible authorities. If published the assessment must be reviewed every three years. A Cumulative Impact Assessment policy is a separate policy document to the Council's Statement of Licensing Policy.

Consultation/Advice

1. Internal

Legal Services

2. External

A full public consultation was carried out. The consultation was advertised on the Council's Consultation Hub. All premises licence holders (and Club Premises Certificate holders) were notified of the consultation as were a number of local residents groups, a variety of charities, legal firms, and local Business Improvement Districts. All of the responsible authorities under the Licensing Act 2003 were also consulted.

3. Context

On 7 July 2020 Full Council approved a new Statement of Licensing Policy to run from 1 August 2020 to 31 July 2025. A Cumulative Impact Assessment was not published. As a result the Cumulative Impact Areas that were in

force under the previous Statement of Licensing Policy ceased to exist. Full Council directed officers to carry out a consultation on a draft Cumulative Impact Assessment in respect of the city centre area of Bristol only. The draft CIA in respect of the city centre differed from the previous Cumulative Impact Area for the city centre in that it excluded the Broadmead area.

The consultation was carried out from 2 September to 28 October 2020 via a survey published on the Council’s Consultation Hub. A total of 312 responses were received to the survey. Of the respondents to the survey;

- 71% agreed or strongly agreed with the proposal to publish a Cumulative Impact Assessment.
- 17% of respondents disagreed or strongly disagreed with the proposal to publish a Cumulative Impact Assessment.
- 8% neither agreed or disagreed and
- 4% provided no response.

Of the respondents 77% were members of the public and 4% of respondents identified as a business owner/manager that holds a premises licence. An analysis of the results is attached as **Appendix B**.

Two additional written responses were also received. One response was from the Bristol at Night Panel, who represent Bristol’s night time economy venues. This may explain why so few direct responses were received from venues that hold a premises licence. The second response was from TLT, a law firm with offices in Bristol who provide specialist licensing advice. A copy of both written responses is attached at **Appendix C**. Both responses suggest that the decision be postponed until the impact of the Covid-19 pandemic is known.

The below table shows the number of applications for the grant of new premises licences and variations to existing licences as well as the number of premises licences surrendered and those that have lapsed in the eight months from 1 April to 1 December 2019 and 2020.

| | 1 April 2019 to 1 December 2019 | 1 April 2020 to 1 December 2020 |
|---------------------------------------|------------------------------------|------------------------------------|
| Lapsed Premises Licences | 10 | 6 |
| Surrendered Premises Licences | 29 | 19 |
| Application for New Premises Licences | 55 | 23 |
| Application to Vary Premises Licence | 134 | 57 |

As can be seen the number of surrenders of licences is lower than the similar period last year as is the number of licences that have lapsed. A premises

licence lapses when the holder dies, lacks capacity to hold the licence, becomes insolvent, or is dissolved.

Where an individual or company becomes insolvent the licensing authority is not automatically notified. As such we often do not become aware until the annual charge is due which could be up to 12 months after the event. Where a premises licence holder ceases to trade, but does not become insolvent, the licence will remain in force. The authority will also not be aware of such circumstances.

The number of grants and variations is lower than in the same period for 2019, this is to be expected given the challenging circumstances the many in the licensed trade are facing.

4. Decision Making Process

The decision to publish a Cumulative Impact Assessment under section 5A of the Licensing Act 2003 may be taken by the Licensing Committee. As with the Statement of Licensing Policy, before determining to publish a Cumulative Impact Assessment, the authority must consult with the parties listed in section 5(3) of the Licensing Act 2003, namely:

- (a) the chief officer of police for the licensing authority's area,*
- (b) the fire and rescue authority for that area,*
- (ba) each Local Health Board for an area any part of which is in the licensing authority's area,*
- (bb) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,*
- (c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,*
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,*
- (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and*
- (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.*

This was carried out during the consultation period referred to above.

If members determine to publish a Cumulative Impact Assessment in accordance with section 5(6E) of the 2003 Act the Council's Statement of Licensing Policy must be updated to include a summary of the Cumulative Impact Assessment(s).

5. Proposal

It is recommended that members approve the publication of a Cumulative Impact Assessment as annexed at **Appendix A**. This document mirrors the one that was consulted upon between 2 September and 28 October 2020. No amendments are proposed.

The evidence presented by Avon and Somerset Constabulary shows that the city centre area continues to have a high number of Police related incidents and other related crime and disorder including public nuisance and risk to public safety. These are linked to the significant concentration of alcohol led late night venues in the area. As such it is likely that it would be inconsistent with the authority's duty under section 4(1) of the 2003 Act to grant any further relevant authorisations in this area.

It is recognised that the full impact of the Covid-19 pandemic on the licensed trade in Bristol is not yet evident. Should the number of venues decrease the impact on the crime and disorder currently evidenced by Avon and Somerset Constabulary (attached at **Appendix D**) will need to be assessed. If further evidence shows the city centre is no longer at saturation point and therefore it would be possible to grant further licences without it being likely to be inconsistent with the council's duty to promote the licensing objectives then the need for a Cumulative Impact Assessment should be reconsidered.

6. Other Options Considered

The publication of a Cumulative Impact Assessment is discretionary and as such an alternative option would be to not publish an Assessment.

Officers have considered this option. Whilst, as detailed above, the full impact on the licensed trade of the Covid-19 pandemic is yet to be seen the evidence the Council currently holds warrants the publication of a Cumulative Impact Assessment in order to uphold the Council's duty to promote the licensing objectives.

7. Risk Assessment

The adoption of a Cumulative Impact Assessment is discretionary. If published the policy must set out the evidence to support the authority's opinion that it would be inconsistent with the promotion of the licensing objectives to grant any further relevant authorisations in respect of premises in any given area designated under the policy. It is considered that the evidence supplied by Avon and Somerset Constabulary is sufficient to justify the adoption of a policy in respect of the city centre area of Bristol.

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to -
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 8b) A full equalities impact assessment has been carried out and is attached at **Appendix E**.

Legal and Resource Implications

Legal

A Local Authority may publish a Cumulative Impact Assessment stating that it considers that the number of premises licences and Club Premises Certificates within a particular area is at a level that to grant any more would not be consistent with upholding the licensing objectives.

Whilst not compulsory, if a Local Authority decides to publish a CIA, it

must consult those persons detailed in section 5 of the Licensing Act 2003 and the statement must set out the evidence for the Authority's opinion.

Any Cumulative Impact statement made, must be reviewed within 3 years of its making

(Legal advice provided by Ashley Clark, Regulatory Lawyer, Legal Services)

Financial

This paper requests approval to publish the publication of a Cumulative Impact Assessment, as specified above. No financial costs, savings or income are expected to arise as a consequence of this recommended activity.

(Financial advice provided by Finance Business Partner – Growth and Regeneration)

(a) Revenue – no impact

b) Capital – no impact

Land

Not applicable

Personnel

There are no anticipated HR implications evident in the report

(Personnel advice provided by HR Business Partner – Growth and Regeneration, Human Resources Team)

Appendices:

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|------------|---|
| Appendix A | Proposed Cumulative Impact Assessment |
| Appendix B | CIA Survey Results Analysis |
| Appendix C | Written responses to CIA consultation |
| Appendix D | Avon and Somerset Constabulary ASB and Crime Data |
| Appendix E | EQIA |

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background Papers: None